

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CHEMIMAGE CORPORATION

Plaintiff,

v.

JOHNSON & JOHNSON and ETHICON, INC.

Defendants.

No.: 1:24-cv-2646 (JMF)

~~PROPOSED~~ FINAL JUDGMENT

WHEREAS, on May 24, 2024, ChemImage Corp. (“ChemImage”) filed an amended complaint in the above-captioned action asserting four causes of action; and

WHEREAS, a bench trial was conducted in this matter; and

WHEREAS, on May 30, 2025, the Court issued Finding of Facts and Conclusions of Law; and

WHEREAS, on July 8, 2025, the Court issued Amended Findings of Fact and Conclusions of Law, Dkt. 218, and a Memorandum and Order, Dkt. 217,

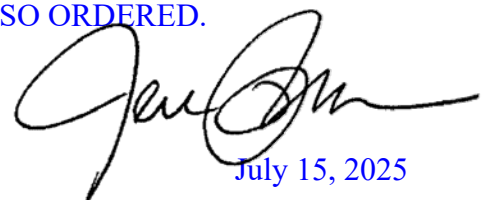
NOW, THEREFORE, pursuant to Federal Rules of Civil Procedure 54 and 58, IT IS ORDERED, ADJUDGED, and DECREED that:

- (1) As to Counts I and II for Breach of Contract against Johnson & Johnson (“J&J”), ChemImage elected not to try those claims and they are dismissed with prejudice.
- (2) As to Counts I and II for Breach of Contract against Ethicon, Inc. (“Ethicon”) with respect to the claim that Ethicon breached the Research, Development, License and Commercialization Agreement (the “Agreement”) when it unilaterally terminated the Agreement for cause without seeking a final determination from the JSC, judgment is entered against Ethicon and in favor of ChemImage.

- (3) Judgment in the amount of \$90,566,766.70 is entered in favor of ChemImage against Ethicon in the amount comprising:
- a. \$40 million for the without-cause termination fee;
 - b. \$36,559,521 for IP impairment damages;
 - c. \$14,007,245.70 in pre-judgment interest from July 4, 2023, until the date of entry of this Judgment, an amount equal to \$13,988,368 as of July 14, 2025 and accruing in the *per diem* amount of \$18,877.69, equal to \$76,559,521 x 0.09/365.
- (4) As to Count III for Tortious Interference of Contract against J&J, judgment is entered against ChemImage and in favor of J&J.
- (5) As to Count IV for Declaratory Judgment, judgment is entered against Ethicon and in favor of ChemImage, and the intellectual property referenced in Section 10.4.4 of the Agreement shall be treated in accordance with a “without cause” termination, under Section 10.4.4 of the Agreement.
- (6) This Judgment shall bear post-judgment interest on the amount in paragraph (3), inclusive of attorneys’ fees, in an amount to be determined by this Court, from the date it is entered until the date it is fully satisfied.
- (7) The Court shall retain jurisdiction with respect to all pending matters, including for purposes of enforcing this judgment and the determination of reasonable attorneys’ fees and costs.
- (8) The Clerk of the Court is hereby directed to enter Final Judgment and shall forward copies hereof to all counsel of record.
- (9) Pursuant to Federal Rule of Civil Procedure 62, “execution on a judgment and proceedings to enforce it are stayed for 30 days after its entry, unless the court orders otherwise.”

The Clerk of Court is directed to close the case.

SO ORDERED.



July 15, 2025